REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III] Trivandrum, Monday, 24th March 1958 [No. 44

NOTIFICATION.

No. LA.4-564|58. *Dated, Trivandrum, 24th March 1958.*

The following Bill together with the Statement of Objects and Reasons is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

Kerala Gazette Extraordinary No. 44 dated 24th March 1958.

L. A. Bill No. 17 of 1958

THE KERALA LAND RELINQUISHMENT BILL, 1958

A

BILL

to make provision for the relinquishment of lands in the State of Kerala by registered holders in favour of Government.

Preamble.—WHEREAS IT IS NECESSARY to make provision for the relinquishment of land in the State of Kerala by registered holders in favour of Government;

BE IT ENACTED in the Ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Land Relinquishment Act, 1958.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Act unless the context otherwise requires,—

(a) "registered holder" in relation to any land, means a person whose name is registered in the revenue records as the proprietor of the land;

(b) "relinquishment" means unconditional surrender of all the rights of a registered holder over the land;

(c) "prescribed" means prescribed by rules made under this Act.

3. *Relinquishment of land.*—A registered holder may relinquish in favour of the Government the whole or any portion of any land entered in his name in the revenue records, provided that such land or portion of land is in his possession and free of encumbrances.

4. *Procedure to be followed when lands are relinquished.*—(1) Any registered holder who intends to relinquish any land may submit an application in the prescribed form to the Collector of the District in which the land is situate.

(2) On receipt of the application mentioned in sub-section (1), the Collector shall, if satisfied, after such enquiry as he thinks necessary, that the registered holder is competent to relinquish and has valid title in the land, issue a notice in the prescribed form to all such persons as he may consider interested in the land, calling upon them, before a date specified in the notice, to show cause why the relinquishment may not be accepted.

(3) The Collector shall also affix a copy of the notice referred to in sub-section (2) on the notice board of his office and shall cause it to be published in such manner as may be prescribed in the village where the land is situate.

(4) Any person interested in the land may, before the date specified in the notice, file an objection before the Collector showing cause why the relinquishment should not be accepted.

(5) When the period for filing objections is over, all objections received shall be enquired into by the Collector and he may pass orders either accepting or rejecting the application for relinquishment.

(6) The Collector may at any stage of the proceedings reject the application of the registered holder on any of the following grounds, namely :—

(i) that the registered holder is not competent to relinquish the land ;

(ii) that the title of the registered holder is defective ;

(iii) that there are arrears of land revenue due on the land ;

(iv) that the land is not accessible except through land not belonging to Government; and

(v) such other grounds as may be prescribed.

(7) Any person aggrieved by the decision of the Collector may appeal within such time as may be prescribed to the Board of Revenue and the decision of the Board of Revenue on such appeal shall be final.

(8) When orders accepting the relinquishment are passed by the Collector or, in cases where there has been an appeal from the orders of the Collector—

(i) rejecting the application, such appeal has been allowed by the Board of Revenue;

OR

(ii) accepting the application, such appeal has been rejected by the Board of Revenue, all title and interest of the registered holder in the land shall vest in the Government free of all encumbrances and the land shall be at the disposal of the Government.

5. *Relinquishment of land held jointly.*—No land registered in the revenue records in the name of a person jointly with the name or names of one or more persons, shall be relinquished except with the consent of all the persons in whose names the land is registered in the revenue records.

6. *Power to make rules.*—The Government may make rules for the purpose of carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

At present there is no legislation in the State providing for the relinquishment of lands in favour of Government, though there are certain non-statutory provisions in the Madras Boards Standing Orders and the Cochin Land Revenue Manual for this purpose. It is considered that there should be a law to provide for the relinquishment of lands in favour of Government. The Bill is intended for this purpose.

K. R. GOURI.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS
TRIVANDRUM, 1958.